

HOLMSTROM LAW OFFICE, PLC

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December 20, 2023

Honorable Sally J. Behrens
U.S. Magistrate Judge
399 Federal Building
110 Michigan Street, N.W.
Grand Rapids, Michigan 49503



RE: *Barnaby v. Michigan State Government et.al.*
Case No. 1:22-cv-1146

Dear Judge Behrens:

This writer and his professional practice entity, *Jeffrey R. Holmstrom and Holmstrom Law Office PLC*, together with a number of other citizen and municipal officials, are Defendants in the above referenced cause of action. On December 15, 2023, Plaintiff Barnaby filed a Third Motion For Default Judgment; *ECF No. 81 Page ID.1010*. Plaintiff Barnaby sent a copy of that Third Motion for Default Judgment et.al., by email to the Holmstrom Law Office account on December 15, 2023. That Motion seeks entry of a Default Judgment against various Defendants, including, Jeffrey R. Holmstrom and Holmstrom Law Office, PLC, for failure to appear and answer the Complaint. The purpose of this correspondence is to confirm that neither Jeffrey R. Holmstrom nor Holmstrom Law Office, PLC, (the Holmstrom Defendants) have been served with a copy of the Summons and Complaint.

No affidavit of personal service upon Jeffrey R. Holmstrom *FRCP 4 (e) (1 - 3)*, or Holmstrom Law Office, PLC, *FRCH 4 (h) (1),(2)* has been filed by Plaintiff or any representative. Rather, Plaintiff Barnaby claims that he mailed the Summons and Complaint to the business address of Holmstrom Law Office, PLC, (one package only) by United States Postal Service *certified mailing with return receipt requested*. However, the Summons and Complaint were not received by either Jeffrey R. Holmstrom or Holmstrom Law Office, PLC. Neither Jeffrey R. Holmstrom nor any staff member of Holmstrom Law Office, PLC, have signed a United States Postal Service receipt acknowledging delivery and receipt of the Summons and Complaint (setting aside the question whether service was effected individually on Jeffrey R. Holmstrom). Moreover, Plaintiff Barnaby has not filed a United States Postal Service "return receipt" signed either

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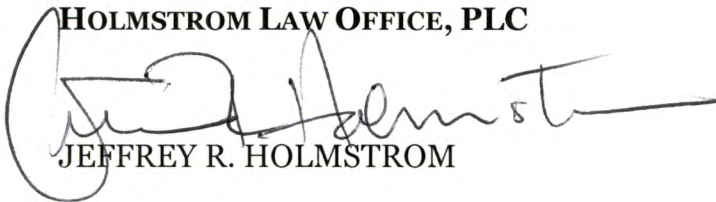
by Jeffrey R. Holmstrom or by any agent on behalf of Jeffrey R. Holmstrom or Holmstrom Law Office, PLC, to evidence service of process by certified mail.

Plaintiff Barnaby has not submitted a written request to Jeffrey R. Holmstrom or Holmstrom Law Office, PLC, to waive service of a Summons and Complaint in compliance with FRCP 4 (d).

Because neither Jeffrey R. Holmstrom nor Holmstrom Law Office have been personally served with process or acknowledged delivery and receipt of process in the form of a signed certified mail receipt, Jeffrey R. Holmstrom and Holmstrom Law Office, PLC, request that the Motion for Entry of Default Judgment requested by Plaintiff not be entered by the Clerk of the Court.

Very truly yours,

HOLMSTROM LAW OFFICE, PLC

A handwritten signature in black ink, appearing to read "Jeffrey R. Holmstrom", is written over the printed name. The signature is fluid and cursive, with a large initial "J" and "H".

JEFFREY R. HOLMSTROM

JRH/llg

COPY:Owen Barnaby



Holmstrom Law Office, PLC

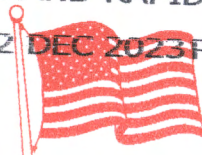
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